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3900 Paradise Retail Owner SPE, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DOMINO'S PIZZA LLC, a Foreign Limited
Liability Company,

Plaintiff,

vs.

3900 PARADISE RETAIL OWNER SPE,
LLC, a Foreign Limited Liability Company,

Defendant

Case No.: 2:22-cv-02115-GMN-DJA

**STIPULATION AND ORDER TO
EXTEND DEADLINE TO RESPOND TO
COMPLAINT
(FIRST REQUEST)**

Defendant 3900 Paradise Retail Owner SPE, LLC ("Defendant") by and through their counsel of record, Spencer Fane LLP, and Plaintiff Dominos Pizza LLC by and through their counsel Howard & Howard Attorneys PLLC hereby stipulate and agree to extend the time Defendant has to respond to Plaintiff's Complaint from January 12, 2023 to February 26, 2023.

This is Defendant's first request for an extension, which Plaintiff has stipulated to. Plaintiff's Complaint was filed on December 21, 2022. Service was effectuated on December 22, 2022. Defendant's response was due on January 12, 2023. Excusable neglect exists for Defendant missing the responsive pleading deadline. Plaintiff's counsel informed Defendant's counsel of the Complaint after it was filed, on December 23, 2022. After that point, the parties exchanged settlement offers.

Plaintiff's counsel represented he was open to an extension to respond to the Complaint given the settlement discussions. After learning that service was effectuated, Defendant's counsel

1 realized she was not as clear as she could have been regarding receiving a copy of the Complaint
2 (from counsel) and service of the complaint (through a process server). As such, Defendant's
3 counsel was not aware that Defendant had been served.

4 There are no other parties to this action, and no party will be prejudiced by this brief
5 extension. This extension is not meant for an improper purpose or to delay these proceedings.

6 Dated this 26th day of January, 2023.

Dated this 26th day of January, 2023.

7 **HOWARD & HOWARD ATTORNEYS PLLC** **SPENCER FANE LLP**

8 /s/ Karson D. Bright

9 Martin A. Little, Esq. (NV Bar No. 7067)
10 Karson D. Bright, Esq. (NV Bar No. 14837)
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11 *Attorneys for Plaintiff Dominos Pizza LLC*

/s/ Mary E. Bacon

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*Attorneys for Defendant 3900 Paradise Retail
Owner SPE, LLC*

14 **ORDER**

15 IT IS SO ORDERED.

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17 DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

18 DATED: January 27, 2023
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